

Strategic Insight

Germany, Japan and the "De-Baathification" of Iraq

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The Bush administration is laying plans for a rehabilitation of post-war Iraq that, according to the *New York Times*, are "the most ambitious American effort to administer a country since the occupations of Japan and Germany at the end of World War II." These plans include trials for Saddam's "key" senior officials, backed by a "truth and reconciliation" process to "publicly shame but not necessarily punish, human rights violators." Iraq's repressive state institutions like revolutionary courts and the special security organizations will be eliminated, "but much of the rest of the government will be reformed and kept," the *Times* reports. "Officials, referring to the ruling Baath Party, say 'de-Baathification' of the nation will be at least as complex as denazification was in Germany." The hope, according to the *Times*, is that the transition to a stable government can be completed rapidly, with U.S. troops evacuated from Iraq within eighteen months.^[1]

Given the World War II analogy that apparently guides U.S. policy for a transition to a stable, democratic, post-Saddam Iraq, what lessons might American policymakers draw from our "nation-building" experience in post-1945 Germany and Japan? The Bush administration's goal is to disarm Iraq. But it must make certain that Iraq never again troubles the stability of the Persian Gulf region. For this to happen, Saddam's ambitions to lead the Arab world in the "liberation" of Jerusalem must be utterly discredited, both in the eyes of his own people and of the world, especially the Arab world. This will probably require, as in Germany and Japan after 1945, an unambiguous military defeat of Baathist Iraq, followed by war crimes trials. The risk for the United States is that defeat, trials and a *politique* of "public shaming" may make Iraqis less, not more, receptive to a democratization process because Saddam has already effectively "de-Baathicized" his own people. Saddam's organizations of repressive state power must certainly be exorcised. In both post-war German and Japan, however the Allies discovered that, even though freed from SS, Gestapo, Kemptai and party supervision, entrenched government bureaucracies, in which alumni of the defunct *ancien régimes* continued to exercise their authority, remained wedded to authoritarian methods and hence proved remarkably resistant to the imposition of "democratic" ideas and practices.

Administration statements recognize the challenges presented by a process of "de-Baathification." Unfortunately, the word "complex" hardly does justice to the multifaceted nature of the problems that denazification caused for General Lucius Clay, the governor of the Germany's American zone. Not only are Saddam's institutions entrenched, but also any post-Saddam regime might find itself constrained to reform them, as was the case in post-Shah Iran. Tehran's Revolutionary government removed the most notorious heads of SAVAK, the Shah's secret police. But the security apparatus was co-opted, rather than dissolved, because the mullahs required a mechanism to monitor an Iranian population that they continue to mistrust.^[2] Likewise, the vulnerability of any post-Saddam regime to internal subversion will more likely require it to perpetuate some of the least attractive internal security features of Baathist Iraq. This includes the KGB-trained *Amn* or State Internal Security, and the *Estikhabarat* or Military Intelligence that, together with collecting information to support WMD development, also directs covert operations against Iraqis and others abroad. The security apparatus is capped by the *Mukhabarat*, the political intelligence

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organ of the Baathist Party that polices the political loyalties of those in government.^[3] A reformed but insecure Iraqi government may prove reluctant to dispense with such proficient machinery of popular control, or to subject it to democratic oversight.

Senior Bush administration officials plan a swift draw down of U.S. forces in post-conflict Iraq. Whatever the strategic merits of a rapid repositioning of U.S. forces, the quick repatriation of GIs after 1945 lessened U.S. leverage and complicated the administrative tasks of U.S. Military Government. If occupation forces or a new Iraqi government consecrated by Washington meet resistance, a swift evaporation of U.S. firepower would put a fledgling Iraqi democracy at risk. Finally, the international context of Iraq's rehabilitation will be very different from that of American-sponsored "nation-building" post-1945. Germany and Japan are success stories, some argue, not because America's democratizing efforts in Germany and Japan inoculated "liberated" peoples against a recrudescence of fascism. Rather, Soviet frightfulness catapulted conservative leaders in Bonn and Tokyo into Washington's arms. However, turmoil in the Middle East, the unresolved Israel-Palestine dispute and what many perceive as the anti-Arab bias of America's "War on Terror" make a reconciliation of international objectives as the basis for Iraqi acceptance of domestic reform much more difficult to achieve in 2003 than it was for Washington, Bonn and Tokyo after 1945.

The Practical Politics of Reform

The first lesson of 1945 is the importance of thoroughly discrediting the *ancien régime* as a precondition for rehabilitation. This process can be jump-started by inflicting an unambiguous military defeat on Saddam. The policy of "Unconditional Surrender" agreed upon by Roosevelt and Churchill at the January 1943 Casablanca Conference announced the intention of the Allies to remake the Axis powers from the ground up. The conquest of the Axis discredited Nazi and "militarist" visions of an imperial destiny for Germany and Japan, and forced post-war politicians to tailor national ambitions to the constraints placed upon them by the international community. By letting Saddam off the hook in 1991, the George H.W. Bush Administration allowed the Iraqi dictator to reassert his pretensions to lead the Arab world. Any attempt to cut a deal with Baathist renegades short of complete defeat may pre-empt Saddam from using his WMD as a desperate last throw of the dice. However, it would replicate the agreement struck by Eisenhower with Vichy French Admiral Jean Darlan in November 1942, and between the Western Allies and Mussolini's former accomplices in Italy in 1943. These compromises with unsavory characters associated with discredited regimes, justified by Eisenhower on military grounds, troubled Allied public opinion and complicated wartime and post-war politics. At the time of writing, schemes abound to convince Saddam to accept exile as the price of avoiding war. If this were to happen, "regime change" will mean neither liberation nor democratization for Iraq, but the refurbishment of a neo-Baathist Baghdad.^[4] It may also mean that Iraq is not "disarmed," as Saddam's successors may elect to maintain a clandestine WMD program. After all, Weimar's Reichwehr became the nucleus of Hitler's Wehrmacht.

A Baathist restoration also could occur should the United States, as part of an express exit strategy, call a "silver bullet" election. Fears of social and economic upheaval, challenges to established social and gender roles, apathy and deference that rule post-war security environments drove Germans and Japanese to seek the sanctuary of familiar leaders, hierarchies and methods. In such an environment, parties that advocate radical restructuring, like the communist and socialist parties of post-war Western Europe and Japan, found it difficult to capture more than a fraction of the electorate. The absence of viable opposition parties in Iraq for nearly three decades will mean that power will be contested by a constellation of groups that are hardly more than clusters of notables or "one-man shows"^[5] anchored in narrow ethnic or regional interests. Former Baathists, those who profited from Saddam's reign of terror, or simply men "who feared chaos,"^[6] might maintain themselves in power by forming a broad-based status-quo coalition. In this way, the electoral outcome in post-Saddam Iraq could replicate those of post-war Italy and Germany, where conservatives successfully rearranged the political landscape around Christian Democratic parties. In Japan, bickering between socialists and communists, economic policies that resurrected the power of capitalists, and MacArthur's preference for "traditional" solutions helped the "Old Liberal" diplomat Yoshida Shigeru who had once publicly aligned himself with war-time militarists to emerge victorious in Japan's first general election under universal suffrage in April 1946.^[7]

War crimes trials must constitute a second phase of Saddam's disgrace. Those that took place at Nuremberg between 1945 and 1949 and in Tokyo from 1946 to 1948 publicly exposed criminal behavior of the Axis regimes, dispensed justice to the most egregious offenders and launched the "re-education" process of the defeated peoples. Unfortunately, the post-1945 trials were perceived by the German and Japanese populations as "victor's justice." A nation that had flattened German and Japanese cities, dropped the atom bomb, and killed hundreds of thousands of women and children was in no position, the "liberated" argued, to accuse others of "crimes against humanity." The presence of Russian judges at Nuremberg, representative of a Soviet government whose troops had carried out systematic, mass rapes in East Germany and expelled millions of German nationals from East Prussia, Poland, Czechoslovakia, and Hungary under horrendous conditions, and amputated approximately one-quarter of Germany's pre-war territory, introduced a cynical note of moral ambiguity into the proceedings. Even assuming that the overthrow of Saddam can be accomplished with a minimum of collateral damage, Baghdad war crimes trials will be carried out against a backdrop of anger in the Arab world over UN sanctions that are allegedly responsible for the deaths of thousands of Iraqi innocents. Even if Iraqis understand that the sanctions are the result of Saddam's unwillingness to disarm, Sunnis may interpret war crimes trials as Kurdish and/or Shi'a revenge for Sunni domination of Iraq.

"Key leaders" will surely seek to portray themselves as victims, like those German and Japanese war criminals able to garner public sympathy by insisting that they had made the "patriotic choice" of defending their country. SS General "Panzer" Meyer, convicted by an American court of the murder of Canadian POWs, was given a torchlight parade and a telegram of congratulation from the West German head of state when a German court released him short of servicing his full sentence. Senior Republican Guard officers will no doubt insist that, without their vigilance, Sunni domination of Iraq would have been compromised and Iraq dismembered by Iran. A "truth and reconciliation" process is presumably meant to avoid the "judicial chaos" produced by trials of "B" and "C class" criminals in Germany. These committees will replicate to a degree German *Spruchkammern*, an Allied Military Government (AMG) version of magistrate's courts made up of citizens able to hand out small fines or days of "rubble clearing" to "lesser offenders" and "followers." The risk of this process is to transform criminals into "patriotic martyrs," and have the process rebound on those willing to collaborate with the international community. "In 1945 it was hard to find a German who admitted that he had been a devout Nazi," wrote Constantine FitzGibbon, an American officer who served in Germany's AMG. "In 1955, it was equally hard to find one who would admit that he had served on a denazification court, for many who had were socially ostracized or economically penalized in their own communities."^[8] Post-Saddam Iraq can be expected to replicate the German case, producing "patriotic martyrs" on an industrial scale while stanch Baathists of Saddam's Iraq become as rare as hen's teeth, at least in the short term.

The flawed assumption that underlay post-1945 nation building was that democracy constituted the natural reflex of peoples liberated from suffocating tyranny. Once the tyrannous hand of the Nazi state had been amputated, "good Germans" would be liberated to establish a peaceful, capitalist regime.^[9] However, the "democratization" of the civil service, judicial and education systems in post-war Germany and Japan proved to be beyond AMG capacities. A powerful bureaucratic culture, the requirement to enlist German jurists to serve the numerous post-war trials, an ingrained belief in the superiority of the German education system, and administrative sabotage of Allied-imposed reforms, combined to undermine attempts to shatter the steel grip of German official attitudes and practices. Nor did demands for reform rise up from demoralized, apathetic populations accustomed to leaving government to their "betters." MacArthur's "top-down" nation-building style, the retention of Emperor Hirohito and the assumption by Supreme Command Allied Powers (SCAP) that the Japanese were an "obedient herd" actually strengthened the grip of the Japanese bureaucracy and helped to socialize the Japanese into "the acceptance of authority."^[10] Expecting coalition-induced winds of change to whistle through a bureaucratic Baathist state may replicate the naïve assumptions of 1945. The good news is that, over thirty years, German and Japanese bureaucrats became loyal servants of their respective democracies. The lesson of 1945, therefore, is that reform emphasis should be placed on creating a better state, rather than tinkering with civil service culture.^[11]

The benefit of "de-Baathification" will be that, like war crimes, it will put on record that to have served Saddam and his party was to have participated in a criminal enterprise. However, "de-Baathification" is indeed likely to be so "complex" that it is probably not even worth attempting. The "denazification" of Germany began in 1943, as news of the fall of Stalingrad and Tunis, and the defection of Italy served notice on the Germans that defeat was only a matter of time. "A widespread revulsion to the war and all things associated with it had sunk deep into the German psyche," conclude two historians of post-war Germany, who argue that Nazism was extinguished by May 1945.^[12] The same was true of Japan. By the time the American troops set foot in the home islands, the Japanese were fed up with the war, Japanese soldiers were deserting, and the military was generally loathed by the population.^[13] While both Germans and Japanese were eager to see those responsible for the war punished, clumsy AMG/SCAP attempts to assign culpability for Axis aggression and crimes to entire populations, and to make them "work their passage" through forced labor, supporting the costs of occupation, and economic hardship, actually served in the short term to create a "community of opposition to anything imported by the occupation."^[14]

Like Liberating Dachau

The disastrous wars against Iran and the Allied coalition followed by ten years' of sanctions mean that Iraq is already psychologically "de-Baathicized," the population disillusioned, and the "Saddam myth" silently discredited. Iraq is more like a concentration camp whose inmates await liberation than a nation spiritually broken by defeat. The Baath Party is neither socially nor ideologically homogenous, and has become a sanctuary for opportunists, the unscrupulous, the ambitious, and the tremulous. Its defining ideology is hardly more than transparent propaganda. Its only binding principle is its collective culpability in assisting Saddam's human rights abuses. The Iraqi dictator found the party to be the weak reed of his regime after the Gulf War. He relies for support instead on his family, those from his village of Takrit, and Sunni tribesmen. The Baath Party serves primarily to assist the secret police to control the population. The party will disintegrate in defeat.^[15] Thomas Friedman argues that "Saddam is no longer viewed as any kind of folk hero" in an Arab world where Iraqis are pitied as passengers "on a plane that has been hijacked."^[16]

This suggests that "de-Baathification" should be relatively easy, that the vast majority of the 1.5 million Baathist Party members, so long as they have not committed crimes, should be left in peace. However, pressure by vengeful émigrés, Kurds and Shi'as and the demands by Congress, especially if U.S. casualties are significant, for purges and trials of Saddam's Baathist supporters may prove irresistible.^[17] This will leave the occupiers with a dilemma: if we launch into a series of trials, we risk witnessing the same confusion over defining behavior and attitudes, the same summary judgments, settling of scores, and petty injustices as occurred in Germany, where a cumbersome classification system for Nazi suspects was buttressed by the notorious *fragenbogen* - lengthy questionnaires in which Germans had to prove that they had been neither party members nor accomplices in Nazi crimes. In this case, the American occupation will be perceived neither as "neutral" nor "liberating." As in Germany, we also may find it difficult simultaneously to purge Iraq's administration and run the country. Clay, for instance, considered denazification his "biggest mistake," a "hopelessly ambiguous procedure" that created "a pathetic 'community of fate' between small and big Nazis," and elicited the hostility of the population.^[18] On the other hand, many Iraqis will feel that all Baathists are culpable and should be punished. If justice is not seen to be done through official channels, a rampant "settling of scores" as occurred in France after 1945 may sweep through Iraq as aggrieved family members and non-Sunni populations take justice into their own hands.

Of course, whatever the shortcomings of U.S. occupation policies in Germany and Japan, the original goals of war and occupation were met—both nations emerged as solid democracies that are no longer threats to world peace. Yet, most specialists would agree with American historian of the occupation of Germany John Gimbel, who wrote that "most of what Americans tried to promote as positive programs produced negative effects that far outweighed their positive results."^[19] The successful rehabilitation of the two former Axis powers resulted less from Allied occupation policies than from "a combination of many individual decisions and broad social and economic developments that affected the victors as much

as the defeated."^[20] These included enlightened political leadership, "economic miracles" spurred by the Marshall Plan in Europe and the Korean War in Japan, and a precedent of democratic government in both countries submerged in the 1930s. Above all, the Cold War caused leaders in both countries to seek shelter in the military might of the United States.

The context for the rehabilitation of Iraq gives some cause for optimism. The Iraqi people may well welcome "liberation," while oil revenues may ease the economic burdens of rehabilitation. While Iraq's constitutional monarchy, overthrown in 1958, was often as reviled at the time much as Germany's post-1918 Weimar Republic, in retrospect the monarchy glows like Iraq's golden age, a time softer than the somber tyranny that supplanted it. With any luck, fear of Teheran, which promotes pro-Islamic parties among Iraq's significant Kurd and Shi'a populations, may encourage an insecure post-Saddam Iraqi government to nestle in the shadow of the United States. The risk is that Islamic fundamentalism, the anti-Western biases of the "Arab street," the acrimony generated by U.S. support for Israel, ethnic and religious divisions within Iraq, and Baghdad's history of *coups* and brutally authoritarian governments will make Iraq stony ground for Western democracy. Unlike 1945 when passive German and Japanese populations accepted occupation as fate, American occupiers and the "carpetbagger" regime we sponsor may well meet resistance. Iraq's culturally and ethnically diverse population offers a challenge analogous to reviving the Austro-Hungarian Empire, with Sunnis taking the place of a German-speaking imperial elite, rather than a salvation of the relatively homogenous societies of Germany and Japan. Islamic fundamentalists and terrorists, some sponsored by Iran, Kurds resentful at their lack of autonomy, or majority Shi'as irked by an electoral system that favors Sunni dominance could pose serious challenges to peacekeepers. In which case, a rapid repatriation of U.S. forces could jeopardize the entire rehabilitation enterprise. After all, Truman planned in 1945 for the American occupation of Germany and Japan to last only two years. At last report, they are still there.

In short, "de-Baathification" of Iraq should prove relatively easy, because Saddam has already carried out that task. The international community should preoccupy itself above all with trials of the most egregious of the regime's criminals and a purge of those in key leadership positions. The Republican Guard and the security apparatus should be cleansed and reformed but not abolished. All states, especially new regimes in volatile regions of the world, require security. The most important task is to ensure democratic control. Then Iraq, like Germany and Japan in 1945, may be able to break the shackles of a brutal past and craft a more democratic future.

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